

Message Text

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ACTION SNM-05

INFO OCT-01 EA-12 ISO-00 L-03 PPTE-00 CA-01 DEAE-00
/022 W

-----055850 010019Z /64

R 310259Z AUG 78
FM AMEMBASSY MANILA
TO SECSTATE WASHDC 0907

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E.O. 11652: N/A
TAGS: SNAR, RP
SUBJECT: NARCOTICS LAWS

REF: STATE 170187

1. SUMMARY: REFTEL REQUESTED INFORMATION ON NARCOTICS LAWS IN THE PHILIPPINES. REPLY FOLLOWS, KEYED TO OUTLINE USED IN REFTEL. END SUMMARY.

2. POSSESSION:

- (A) YES. PHILIPPINE NARCOTICS LAW DISTINGUISHES BETWEEN "PROHIBITED DRUGS" AND "REGULATED DRUGS." WITHIN PROHIBITED DRUGS, MARIJUANA IS TREATED SEPARATELY. FOLLOWING ARE PENALTIES FOR POSSESSION/USE BASED UPON DANGEROUS DRUGS ACT OF 1972: MARIJUANA: IMPRISONMENT OF SIX MONTHS TO SIX YEARS; FINE OF \$82.20 TO \$822.00. PROHIBITED DRUGS EXCLUDING MARIJUANA: IMPRISONMENT OF SIX YEARS TO TWELVE YEARS; FINE OF \$822.00 TO \$1,644.00. REGULATED DRUGS: IMPRISONMENT OF SIX MONTHS TO FOUR YEARS; FINE OF \$82.20 TO \$548.00. IN ALL CASES, POSSESSION OR USE IN A GROUP OF FIVE OR MORE PERSONS RECEIVES MAXIMUM PENALTY.

- (B) NO.
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- (C) GENERALLY LESS SEVERE BUT WITHIN DISCRETION OF JUDICIAL AGENCY. DRUG ABUSERS WHO SURRENDER VOLUNTARILY FOR TREATMENT ARE EXEMPTED FROM CRIMINAL ACTION. UNDER THE LAW, ALIENS CONVICTED OF POSSESSION/USE RECEIVE SAME PENALTIES AS NATIONALS, AND ALSO ARE DEPORTED AT END OF TERM OF IMPRISONMENT. PAST EXPERIENCE

HAS SHOWN, HOWEVER, THAT MOST ALIEN OFFENDERS ARE EITHER DEPORTED BEFORE TRIAL OR ARE GIVEN SUSPENDED SENTENCES AND DEPORTED IMMEDIATELY AFTER CONVICTION.

3. TRAFFICKING:

- (A) AS WITH POSSESSION, THE LAW DISTINGUISHES BETWEEN PROHIBITED AND REGULATED DRUGS. PROHIBITED DRUGS SALE, ADMINISTRATION, DELIVERY, DISTRIBUTION, TRANSPORTATION, ETC.: IMPRISONMENT OF TWELVE YEARS TO TWENTY YEARS FINE OF \$1,644.00 TO \$2,740.00. SMUGGLING: IMPRISONMENT OF FOURTEEN YEARS TO LIFE; FINE OF \$1,918.00 TO \$4,110.00. REGULATED DRUGS: SALE, ADMINISTRATION, ETC.: IMPRISONMENT OF SIX YEARS TO TWELVE YEARS; FINE OF \$822.00 TO \$1,644.00. SMUGGLING: IMPRISONMENT OF SIX YEARS TO TWELVE YEARS; FINE OF \$322.00 TO \$1,640.00.

- (B) MAXIMUM PENALTY IS MANDATORY IN CASE OF GOVERNMENT OFFICIALS AND POLICE INVOLVED IN TRAFFICKING. USE OF DIPLOMATIC PRIVILEGES FOR SMUGGLING REQUIRES IMPRISONMENT FOR LIFE; FINE OF \$4,110.00. ALL OFFENSES ARE BAILABLE; PAROLE IS AVAILABLE IF FIRST OFFENSE AND SENTENCE IS UNDER SIX YEARS.

- (C) ACT OF TRAFFICKING CONSTITUTES THE OFFENSE. AMOUNT IN POSSESSION AND ASSOCIATION WITH TRAFFICKERS UNCLASSIFIED

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ARE NOT GERMANE.

- (D) CONSPIRACY RESULTS IN THE SAME PENALTIES AS THE ACT ITSELF.

4. CULTIVATION, PRODUCTION, ELABORATION:

- (A) YES. PENALTY FOR CULTIVATING IS IMPRISONMENT OF FOURTEEN YEARS TO LIFE; FINE OF \$1,918.00 TO \$4,110.00 PLUS CONFISCATION OF LAND.

(B) NOT APPLICABLE.

(C) PENALTY FOR ILLEGAL MANUFACTURE OF PROHIBITED DRUGS IS IMPRISONMENT FOR LIFE TO DEATH; FINE OF \$2,740.00 TO \$4,110.00.

5. FINANCIAL:

- (A) FINANCIAL SUPPORT WOULD BE TREATED AS CONSPIRACY (SEE ABOVE).

- (B) YES. EXPORT OF PHILIPPINE PESOS IN EXCESS OF 500 MUST BE APPROVED BY THE CENTRAL BANK. WITH RESPECT TO FOREIGN CURRENCY, PHILIPPINE RESIDENTS MUST REPORT TO THE CENTRAL BANK ALL ACQUISITIONS WITHIN THREE DAYS. A NON-RESIDENT MAY EXPORT FOREIGN CURRENCY TO THE EXTENT TO WHICH HE BROUGHT IT INTO THE COUNTRY (THOUGH NO CURRENCY DECLARATIONS ARE REQUIRED UPON ENTRY). FOREIGN CURRENCY DEPOSITED IN ACCORDANCE WITH THE FOREIGN CURRENCY DEPOSIT SYSTEM MAY BE FREELY EXPORTED BY RESIDENTS OR NON-RESIDENTS WHEN ACCOMPANIED BY A

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ACTION SNM-05

INFO OCT-01 EA-12 ISO-00 L-03 PPTE-00 CA-01 DEAE-00
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R 310259Z AUG 78

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CERTIFICATE OF WITHDRAWAL.

6. CRIMINAL PROCEDURES:

- (A) YES; INVESTIGATIVE DETENTION MUST BE COMPLETED AND CHARGES FILED WITHIN 6-72 HOURS OF ARREST, DEPENDING ON GRAVITY OF OFFENSE. CONSULAR ACCESS IS PERMITTED DURING THIS PERIOD, AND EMBASSY IS CUSTOMARILY NOTIFIED DURING THIS PERIOD.

- (B) PRELIMINARY INVESTIGATION MUST BE FINISHED WITHIN 30 DAYS OF FILING OF CHARGES.

- (C) (I) TRIALS MUST BE COMPLETED WITHIN 90 DAYS OF FILING OF CHARGES; DECISIONS MUST BE RENDERED WITHIN 15 DAYS OF END OF TRIAL. IN PRACTICE, TRIALS ARE SOME- TIMES DELAYED, BUT DEFENDENTS CAN NORMALLY BE RELEASED ON BAIL PENDING TRIAL. (II) NOT APPLICABLE EXCEPT FOR AUTOMATIC SUPREME COURT REVIEW OF LIFE AND DEATH SENTENCES. (III) APPELLATE PROCESS CAN TAKE SEVERAL YEARS; FEW, IF ANY, NARCOTICS-RELATED APPEALS CASES HAVE BEEN COMPLETED IN RECENT YEARS.

- (D) YES.
- (E) PROBATION IS AVAILABLE TO MINORS WHO ARE FIRST OFFENDERS CONVICTED OF POSSESSION/USE. PAROLE IS UNCLASSIFIED

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AVAILABLE TO FIRST OFFENDERS SENTENCED TO IMPRISONMENT OF LESS THAN SIX YEARS. THESE PROVISIONS ARE NOT APPLICABLE TO ALIENS, WHO ARE CUSTOMARILY DEPORTED INSTEAD.

- (F) YES THIS IS COMMON PRACTICE.

7. TEXT OF DANGEROUS DRUGS ACT AND FOREIGN CURRENCY REGULATIONS BEING POUCHED TO S/NM. MURPHY

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